



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,363	09/25/2001	Takenori Idehara	011350-287	5946
7590 Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404				
			EXAMINER REFAI, RAMSEY	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 05/06/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/961,363

Applicant(s)

IDEHARA ET AL.

Examiner

Ramsey Refai

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-77 is/are pending in the application.
- 4a) Of the above claim(s) 51-77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Responsive to 'Response to Election/Restriction' filed February 4, 2010. Applicant's election with traverse of Group I (claims 46-50) is acknowledged. The traversal is on the ground(s) that the Examiner already examined the groups. This is not found persuasive because the inventions as claimed are directed to distinct products that have different design, mode of operation and function. The requirement is still deemed proper and is therefore made FINAL. Claims 51-65 are therefore withdrawn as being drawn to non-elected inventions. Claims 66-77 remain withdrawn. Claims 46-50 are pending.

Response to Argument

1. Applicant's arguments filed September 28, 2009 have been fully considered but they are not persuasive. In the remarks, the Applicant argues that Larsson fails to teach transmitting to the cellular telephone a signal for obtaining device information from the communication device and transmitting a signal to start communication. In response, the Examiner respectfully disagrees. Larsson teaches the printer specification is provided to the print service device via the telephone is to identify what formats the printer is able to print and to identify what route the file has to be sent to get to the printer. The print file comprises data regarding an address to which the print file is to be sent (**see at least column 10, lines 22-45**).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 46-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Larsson et al (US 7,028,102).

4. As per claim 46, Larsson et al teach a data transmission device to be used in a system including said data transmission device and a data receiving device which are connected to a data network and at least one portable terminal said data transmission device comprising:

a first transmission unit transmitting to said portable terminal without recourse to said data network (**short range communication**) a signal for obtaining device information (**printer specification including address**) from said data receiving device, the data receiving device information containing connection information for establishing a connection between said data transmission device and said data receiving device; a receiving unit for receiving the data receiving device information from said portable terminal without recourse to said data network; and a second transmission unit for transmitting to said data receiving device a signal for starting communication based on the device information using said data network (**see at least column 11, lines 10-61, column 10, lines 22-45. fig 1**).

5. As per claim 47, Larsson et al teach the second transmission unit transmits data to said data receiving device via said data network after establishing a connection with said data receiving device (**see at least column 11, lines 10-61**).

6. As per claim 48, Larsson et al teach said first transmission unit and said receiving unit transmit and receive data with said portable terminal via mobile telecommunication network **(see at least column 7, lines 10-26)**.
7. As per claim 49, Larsson et al teach said connection information contains an identification code for identifying said data receiving device on said data network **(see at least column 10, lines 22-45)**.
8. As per claim 50, Larsson et al teach said identification code is an IP address **(see at least column 10, lines 22-45)**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 9:00 am-5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
May 2, 2010
/Ramsey Refai/
Primary Examiner, Art Unit 3627